

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KASEY STARKEN,

Case No. 2:25-cv-00045-RFB-EJY

Plaintiff,

v.

ORDER

AMAZON.COM, INC., WILLIAM A.
MORGAN, WANDA KAY CARSON,
MATTHEW PEARCE, EDUARDO
ESCALANTE, MIKENNA MCENTEE,
TIMOTHY EICHHORN, DARELL
BALDWIN, DEVONE BITSEEDY,
MICHAEL KAISER, JANON PESCIO,

Defendants.

Pending before the Court are two motions seeking to stay discovery. ECF Nos. 113 and 134.¹ The Court considered the motions, the respective oppositions, and respective replies. ECF Nos. 115, 121, 137, 138.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011). A pending dispositive motion “is not ordinarily a situation that in and of itself would warrant a stay of discovery.” *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (quotation omitted). Nor does the fact that “discovery may involve some inconvenience and expense” automatically lead to a stay of discovery. *Id.*

Motions seeking to stay discovery pending the resolution of a dispositive motion may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion to evaluate the likelihood of dismissal. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The party seeking a stay of discovery bears the burden of establishing the stay is warranted. *Kabo Tools Co. v. Porauto Indus. Co., Ltd.*,

¹ On March 25, 2025, the Court granted Amazon.com, Inc.’s Motion for Partial Stay of Discovery. ECF No. 61.

1 Case No. 2:12-cv-01859-LDG-NJK, 2013 WL 5947138, at *1 (D. Nev. Oct. 31, 2013), *citing*
2 *Holiday Sys., Int'l of Nev. v. Vivarelli, Scharwz, and Assocs.*, 2012 U.S. Dist. Lexis 125542, *5 (D.
3 Nev. Sept. 5, 2012).

4 The Court recently issued a Report and Recommendation (“RnR”) recommending denial of
5 Plaintiff’s Leave to Amend Civil Complaint. ECF No. 141. That RnR considered whether Plaintiff
6 stated any claim against Defendants upon which relief could be granted. *Id.* The Court found
7 Plaintiff’s ADA and Title VII claims barred based on the failure to exhaust administrative remedies,
8 and FMLA and defamation claims barred by the applicable statute of limitations. *Id.* at 8. The Court
9 further found Plaintiff’s “Federal Question” cause of action was not a legally cognizable claim, and
10 Plaintiff failed to state either an intentional infliction of emotional distress or 42 U.S.C. § 1981 claim.
11 *Id.* The Court recommended leave to amend for a fifth time not be granted. *Id.*

12 A review of Defendants’ pending motions to dismiss shows they are based on the same legal
13 premises as the Court’s recommendations. *See* ECF Nos. 42, 44, 68, 130. Thus, the Court is
14 convinced that the pending motions to dismiss are dispositive of this case, no discovery is needed to
15 resolve the motions to dismiss, and that conducting discovery would be antithetical to Rule 1 of the
16 Federal Rules of Civil Procedure. For these reasons, the Court stays all discovery in this matter.

17 Accordingly, IT IS HEREBY ORDERED that Defendants Amazon.com, Inc., Eduardo
18 Escalante, and Kay Burgess’ Motion for Partial Stay of Third Party Discovery (ECF No. 113) and
19 Defendants Eduardo Escalante and Timothy Eichhorn’s Motion to Stay Discovery (ECF No. 134)
20 are GRANTED. To the extent not achieved by the above, IT IS FURTHER ORDERED that **all**
21 discovery is stayed in this matter until such time as the pending Motions to Dismiss are fully and
22 finally resolved.

1 IT IS FURTHER ORDERED that if this case is not resolved in its entirety upon rulings
2 issued regarding the pending Motions to Dismiss, the parties must, no later than twenty-one (21)
3 days after such rulings, file a proposed discovery plan and scheduling order pertaining to all
4 remaining claims.

5 Dated this 28th day of July, 2025.

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8 ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE
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